



OMBUDSWHO?

OWL - Online With Libraries
E-Government Series
November 30, 2017

HOW THE OMBUDSMAN SERVES ALASKANS



OVERVIEW

Introduction of Ombudsman, Kate Burkhart

What the Ombudsman Does

How the Ombudsman Investigates Complaints

Strategic Plan, 2017-2022



J. KATE BURKHART, APPOINTED 2017

Domestic violence attorney/program coordinator, Legal Aid Society of Middle TN 1999-2001

Public interest lawyer with Alaska Legal Services 2001-2006

- Served Nome/Seward Peninsula; Juneau/Southeast; statewide domestic violence
- Included representing parents, children & youth in CINA cases

Assistant Ombudsman 2006-2007

Executive Director, Alaska Mental Health Board & Advisory Board on Alcoholism & Drug Abuse 2007-2017

Executive Director, Statewide Suicide Prevention Council 2010-2017

Member, Alaska Safe Children's Act Task Force 2015-2016

Member, board of directors Southeast Alaska Independent Living 2012-present

- President of the board, 2016-present

MISSION & VISION OF THE OFFICE OF THE OMBUDSMAN

Mission

The Alaska State Ombudsman investigates citizen complaints about administrative acts of state agencies and determines appropriate remedies.
A.S. 24.55

Vision

The Alaska State Ombudsman promotes fair and efficient government through objective inquiry and well-reasoned recommendations for meaningful, measurable improvement.

WHAT THE OMBUDSMAN DOES

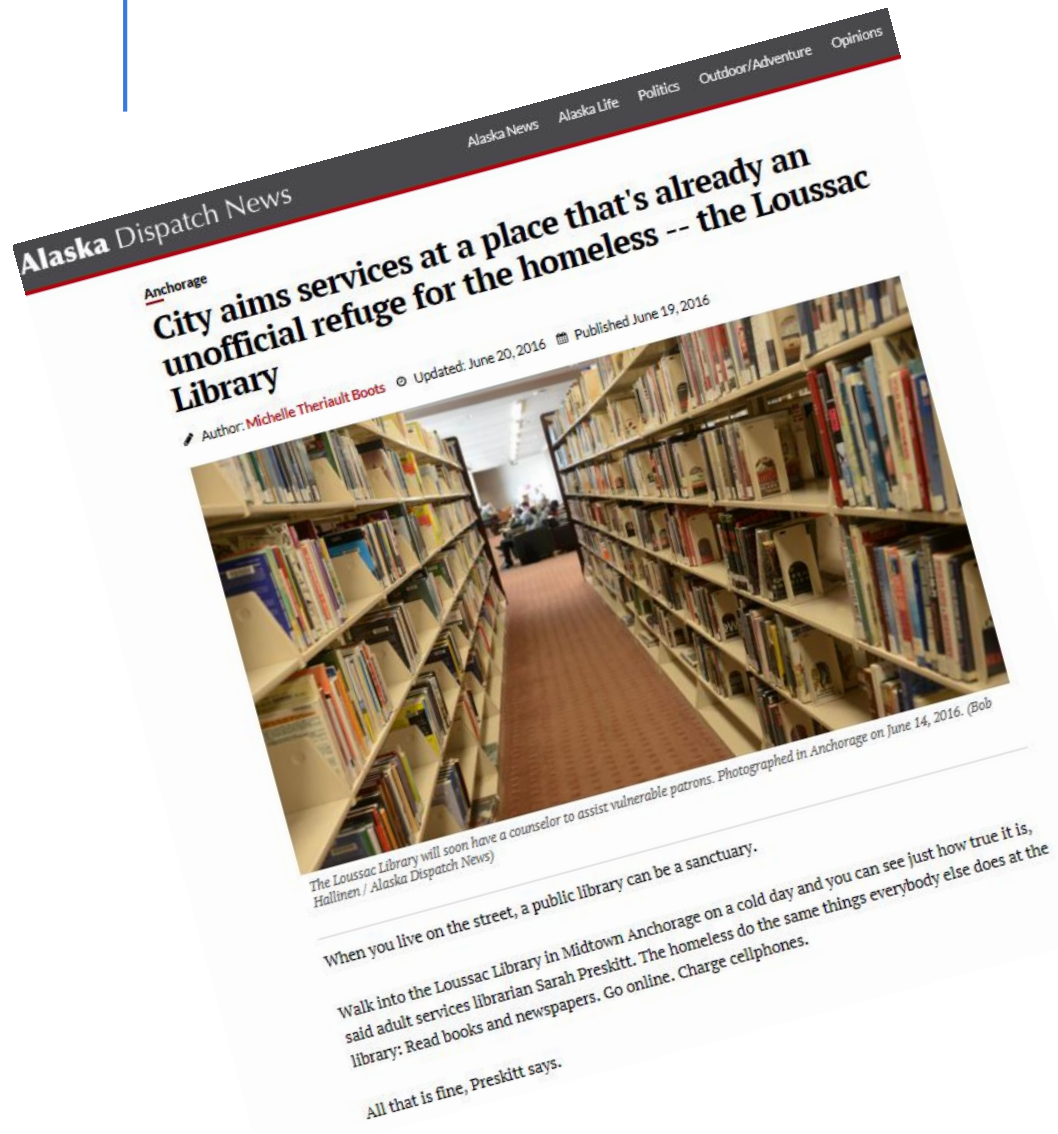
The Ombudsman investigates complaints about state governmental agencies.

Most complaints come from citizens. However, the Ombudsman can investigate a complaint on her own motion.

The Ombudsman is not a citizen advocate.

The Ombudsman investigates to determine whether the allegations in the complaint are true, and if so, recommends a way to resolve the problem and/or prevent the problem from arising again.

HOW THE OMBUDSMAN CAN SERVE YOU & YOUR PATRONS



Libraries are not just repositories of information and knowledge – they serve as important community spaces. While most of us see the programs for families and children, community groups, writers and readers – many do not see that some of the most frequent users of libraries are vulnerable members of the community.

Senior citizens, adults and youth experiencing homelessness, people experiencing disabilities, and others often seek refuge in libraries and the services they provide. They often need help connecting to social services and supports – and resolving problems with those agencies.

In those instances, where a patron is struggling to navigate a state agency, the Ombudsman is a resource to you and your patron.

HOW THE OMBUDSMAN EVALUATES COMPLAINTS

Is the alleged action by the state agency:

- ✓ Contrary to Law
- ✓ Unreasonable
- ✓ Unfair
- ✓ Unnecessarily Discriminatory
- ✓ Unnecessarily Oppressive
- ✓ Abuse of Discretion
- ✓ Arbitrary or Capricious
- ✓ Insufficient or No Grounds
- ✓ Improper or Irrelevant Grounds
- ✓ Mistaken or Erroneous Grounds
- ✓ Performed Inefficiently
- ✓ Performed Discourteously
- ✓ Otherwise Erroneous

**Evidentiary Standard:
preponderance of the
evidence**

COMPLAINT PROCESS





When
someone
contacts us

The Intake Team of three people handle all incoming complaints. Intake is centralized in Anchorage, to ensure consistency and responsiveness.

In 2016, the Ombudsman received 2,664 contacts.

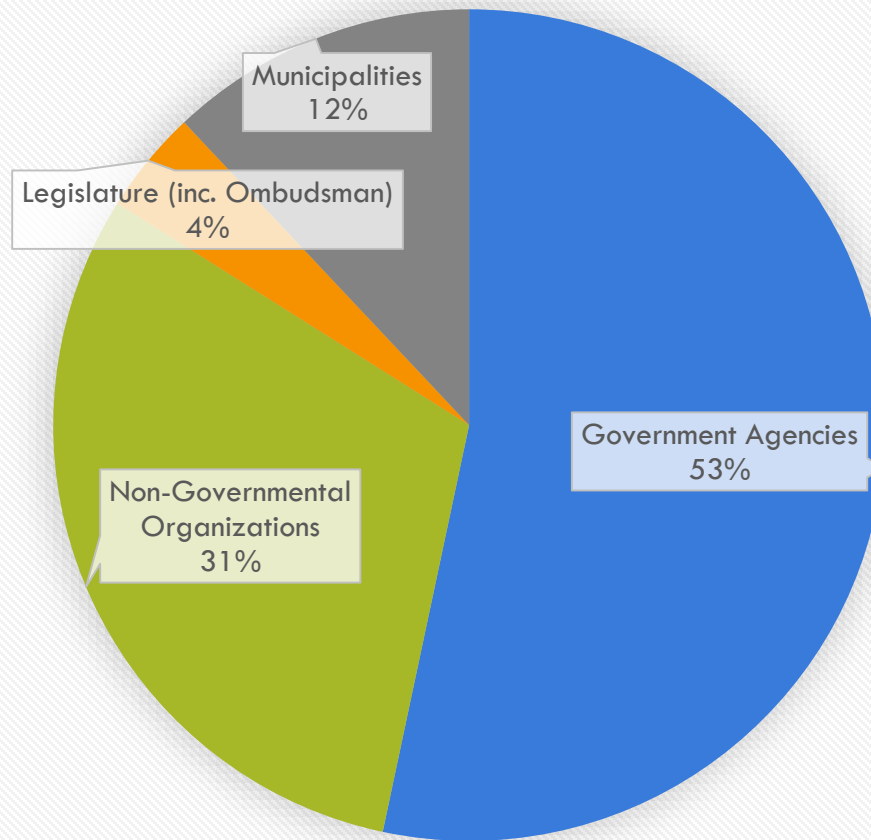
The Intake Team provides information and referrals to people with complaints outside our jurisdiction (non-profits, city governments, etc.).

People calling with a complaint are referred to the agency's grievance process (if the agency has one) or to an agency supervisor **first** and encouraged to call us back if they are not satisfied with the agency's response (or receive no response). Exceptions to this policy can be made for emergency situations or when the person has a disability or limitation that prevents them from effectively using the grievance process.

If the person's complaint is a) jurisdictional and b) ripe for review, it is reviewed by the full staff during weekly complaint review meetings.

INTAKE PROCESS

All Contacts, 2016



■ Government Agencies

■ Non-Governmental Organizations

■ Legislature (inc. Ombudsman)

■ Municipalities

INTAKE PROCESS



Deciding
whether to
investigate

The Intake Team is often able to identify the root of the person's problem and resolve it quickly with a phone call or email to the agency.

Complaints that are not easily determined and resolved are reviewed by the full staff each week. Investigators and the Intake Team discuss the facts alleged, whether it presents evidence of a pattern or systemic problem, and whether resolution is possible.

An Investigator (or team of investigators) will accept the complaint for more in-depth review and investigation.

COMPLAINT REVIEW



Investigating Complaints

The Ombudsman is **OBJECTIVE**.

Investigators look at each complaint without bias or preconception, though they do look at individual complaints in the context of past investigations and larger systems issues.

An investigation typically includes extensive review of documentation from the complainant, agency records, case files, court files/records, interviews of interested parties, and other information. The Ombudsman can subpoena information and witnesses, and can depose witnesses.

Some investigations can be completed in a matter of days, while others can take months. The Ombudsman is committed to **efficiently and effectively investigating complaints**.

INVESTIGATION



Finding
solutions

The Ombudsman is not a citizen advocate. The Ombudsman's focus is ensuring that state government serves citizens fairly, effectively, and efficiently.

The Ombudsman offers well-reasoned recommendations for resolving complaints found to be justified and making meaningful, measurable improvement in agency operations.

Often the remedy sought by the person complaining about the agency is not within the power of the Ombudsman to recommend (or the agency to give). However, the Ombudsman does seek to find acceptable solutions to complaints whenever possible.

RESOLUTION & RECOMMENDATIONS

OUTCOMES

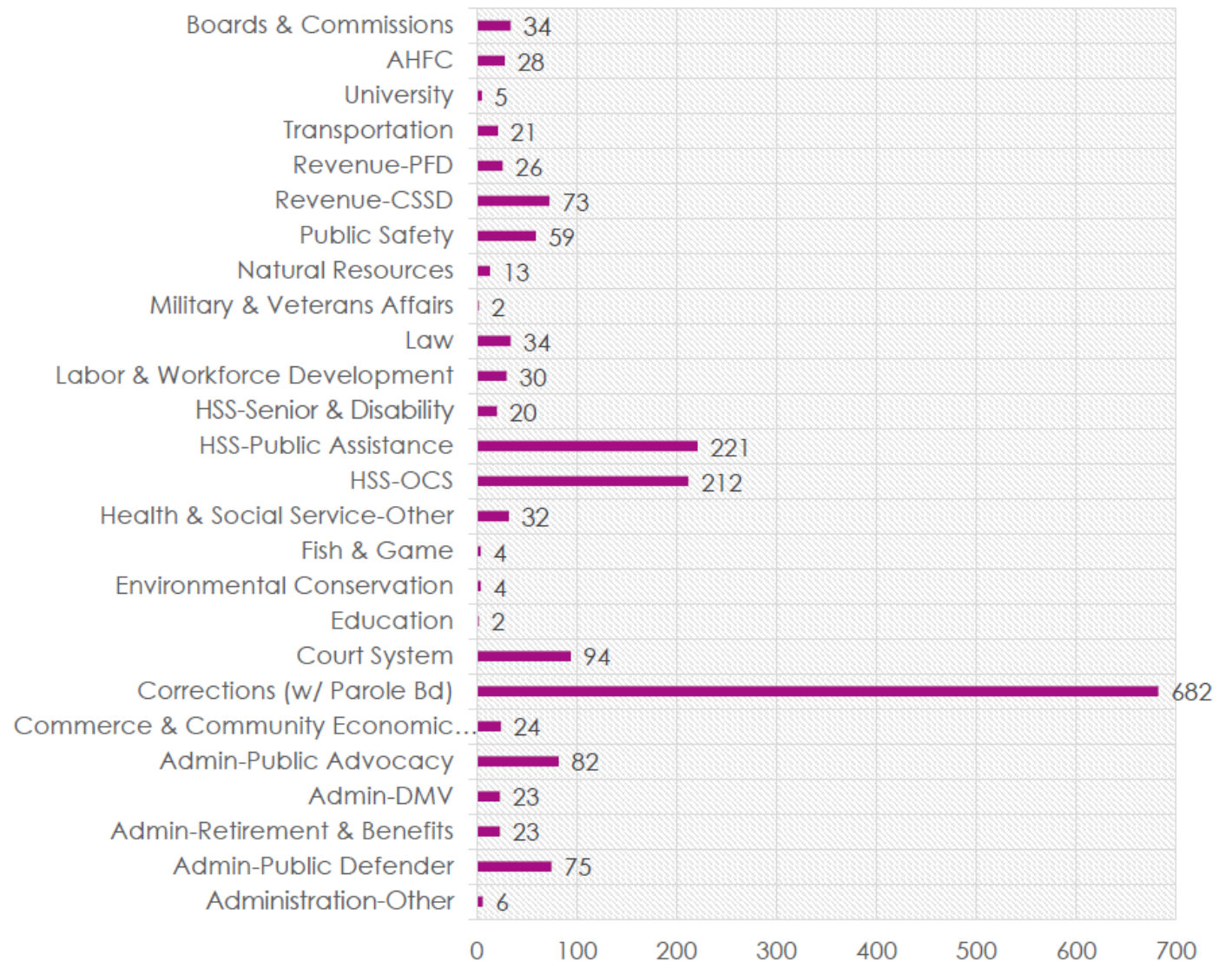
Complaints that are reviewed and investigated by Investigators are resolved in a variety of ways:

- The agency is determined to have acted according to law, policy, and reasonable practice;
- A resolution is possible by providing the person with information about their case, encouraging the agency to respond to the person, or other brief assistance;
- The Investigator works with the agency to resolve a complex or systems problem without the need for formal report and recommendations;
- The Ombudsman issues a formal report and recommendations for addressing justified complaints.

COMPLAINTS BY AGENCY

Historically, complaints about the Departments of Health and Social Services and Corrections make up more than half of all investigations each year.

2016 Complaints by Agency



STRATEGIC PLAN 2017-2022

Core Values

Objectivity
Curiosity
Respect
Integrity
Public Service

STRATEGIC PLAN 2017-2022

Goal 1: All Alaskans are aware of the role, work, and value of the Alaska State Ombudsman.

Goal 2: The Alaska State Ombudsman provides welcoming, accessible, and safe environments for people to come for help with their problems.

Goal 3: Ombudsman investigations are conducted and reported in a timely fashion.

Goal 4: Ombudsman recommendations are tracked for implementation and evaluated for effectiveness.

Goal 5: Internal ombudsman operations are efficient and effective.

Goal 6: The Alaska State Ombudsman has capacity to investigate complex, technical, and systemic complaints.

Goal 7: State agencies appreciate the role of the Alaska State Ombudsman and the value that it offers to public systems.

Goal 8: The Alaska State Ombudsman is a source of expertise and technical assistance on complaint resolution policies and procedures.

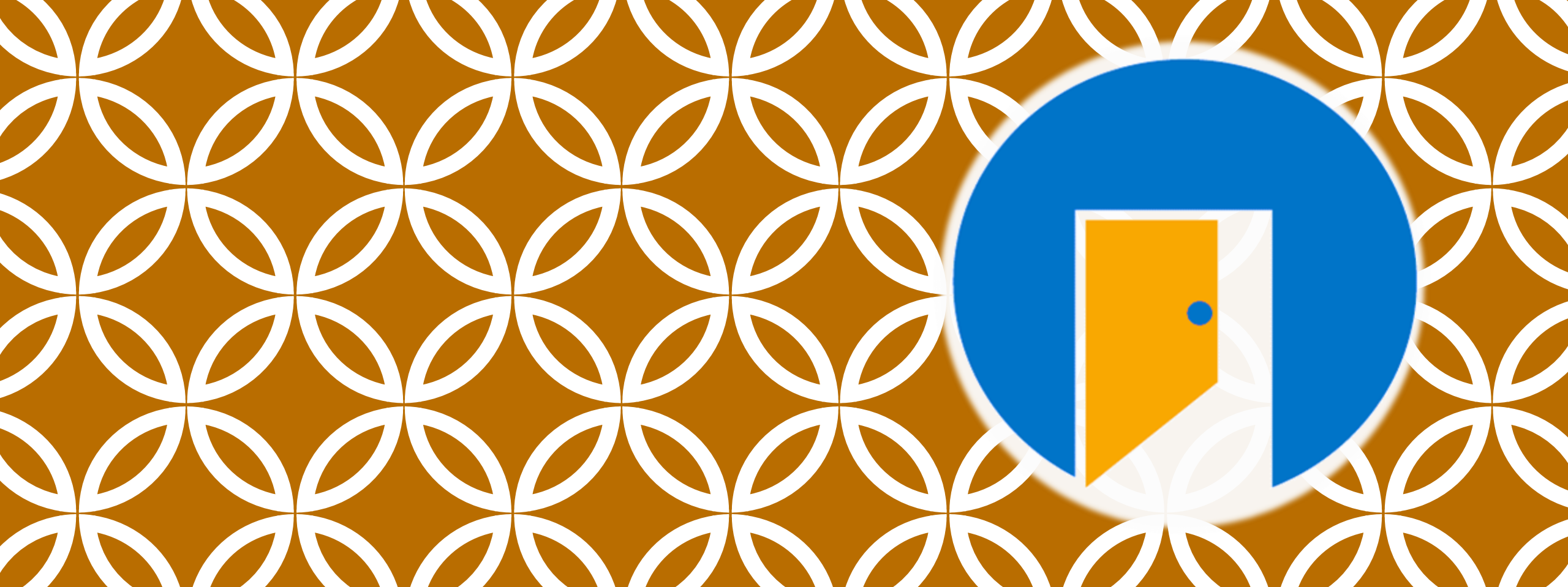
STRATEGIC PLAN 2017-2022

Goal 1: All Alaskans are aware of the role, work, and value of the Alaska State Ombudsman.

Are there opportunities to partner in outreach efforts? How can we make the best use of OWL and other resources?

Goal 8: The Alaska State Ombudsman is a source of expertise and technical assistance on complaint resolution policies and procedures.

How can we support libraries seeking to improve how they respond to patrons' complaints?



QUESTIONS?
COMMENTS?

thank you!

J. Kate Burkhart
Alaska State Ombudsman
Juneau, Alaska 99801
907.465.4970
kate.burkhart@akleg.gov